



PATENT
Attorney Docket No.: A-58762-20 (468267-00034)/RMS/RMK/SPL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Meade, et al.

Serial No. 09/866,067

Filed: May 23, 2001

For: *Nucleic Acid Mediated Electron
Transfer*

Examiner: Lu, F. W. M.

Art Group No. 1634

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date:

4/16/04

Signature

Steven Lendaris

**TERMINAL DISCLAIMER
TO OBVIATE A DOUBLE PATENTING REJECTION**

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, **The California Institute of Technology** (hereinafter "Caltech"), represents that it is the assignee of the entire right, title, and interest of

- (1) the instant application, Serial No. 09/866,067, filed May 23, 2001, which is a continuation of Serial No. 09/454,498 filed December 6, 1999, issued July 31, 2001 as U.S. Patent No. 6,268,149; which is a continuation of Serial No. 08/946,679, filed October 8, 1997, issued July 11, 2001 as U.S. Patent No. 6,087,100; which is a continuation of 08/709,263, issued July 14, 1998 as U.S. Patent 5,780,234; which is a continuation of Serial No. 08/166,036, filed December 10, 1993, issued January 7, 1997 as U.S. Patent 5,591,578; and
- (2) U.S. Patent No. 5,780,234, which is a continuation of Serial No. 08/166,036, filed December 10, 1993, issued January 7, 1997 as U.S. Patent 5,591,578; and

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- (3) U.S. Patent No. 5,591,578, filed December 10, 1993, issued January 7, 1997; and
- (4) U.S. Patent No. 6,087,100, which is a continuation of 08/709,263, issued July 14, 1998 as U.S. Patent 5,780,234, which is a continuation of Serial No. 08/166,036, filed December 10, 1993, issued January 7, 1997 as U.S. Patent 5,591,578; and
- (5) U.S. Patent No. 6,238,870, which is a continuation of Serial No. 08/946,679, filed October 8, 1997, issued July 11, 2001 as U.S. Patent No. 6,087,100; which is a continuation of 08/709,263, issued July 14, 1998 as U.S. Patent 5,780,234; which is a continuation of Serial No. 08/166,036, filed December 10, 1993, issued January 7, 1997 as U.S. Patent 5,591,578; and
- (6) U.S. Patent No. 6,177,250, which is a continuation of Serial No. 08/873,598, filed June 12, 1997, issued September 14, 1999 as U.S. Patent No. 5,952,172; which is a continuation-in-part of Serial No. 08/660,534, filed June 7, 1996, issued June 23, 1998 as U.S. Patent No. 5,770,369; which is a continuation-in-part of Serial No. 08/475,051, filed June 7, 1995, issued October 20, 1998 as U.S. Patent No. 5,824,473; which is a continuation-in-part of Serial No. 08/166,036, filed December 10, 1993, issued January 7, 1997 as U.S. Patent No. 5,591,578; and
- (7) U.S. Patent No. 5,770,369, which is a continuation-in-part of Serial No. 08/475,051, filed June 7, 1995, issued October 20, 1998 as U.S. Patent No. 5,824,473; which is a continuation-in-part of Serial No. 08/166,036, filed December 10, 1993, issued January 7, 1997 as U.S. Patent No. 5,591,578; and
- (8) U.S. Patent No. 5,705,348, which is a continuation of Serial No. 08/166,036, filed December 10, 1993, issued January 7, 1997 as U.S. Patent No. 5,591,578.

Assignments are recorded in the United States Patent and Trademark Office for U.S.S.N. 08/166,036 at Reel/Frame 6862/0211; for U.S.S.N. 08/475,051 at Reel/Frame 7660/0201; for U.S.S.N. 08/660,534 at Reel/Frame 8093/0509; and for U.S.S.N. 08/873,598 at Reel/Frame 8866/0897. Copies of the assignments are attached to this Terminal Disclaimer.

Caltech hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173 as shortened by any

terminal disclaimer filed prior to the grant of U.S. Patents 5,780,234; 5,780,234; 5,591,578; 6,087,100; 6,238,870; 6,177,250; 5,770,369; and 5,705,348.

Caltech hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patents 5,780,234; 5,780,234; 5,591,578; 6,087,100; 6,238,870; 6,177,250; 5,770,369; and 5,705,348 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Caltech does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154-156 and 173 of U.S. Patents 5,780,234; 5,780,234; 5,591,578; 6,087,100; 6,238,870; 6,177,250; 5,770,369; and 5,705,348, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any of U.S. Patents 5,780,234; 5,780,234; 5,591,578; 6,087,100; 6,238,870; 6,177,250; 5,770,369; and 5,705,348 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to its grant.

The undersigned is empowered to act on behalf of the petitioner/assignee. The undersigned has reviewed the evidentiary documents in the chain of title of the present application identified above, and certifies that, to the best of assignee's knowledge and belief, title is in the assignee Caltech.

I, the undersigned, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that

willful, false statements may jeopardize the validity/enforceability of the application or any patent issued thereon.

Dated: 4/16/04

By: Robin M. Silva
Robin M. Silva
Attorney of Record for Applicant